

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAZZMINE NOLAN-ECHOLS,)
Plaintiff,)
vs.)
CITY OF ST. LOUIS, MISSOURI)
CHARTER COMMISSION,)
Defendant.)
Case No. 4:24-cv-00941-MTS

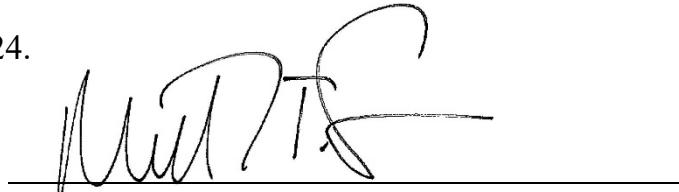
MEMORANDUM OPINION

Defendant filed a Motion to Dismiss this action. Doc. [5]. Plaintiff did not oppose the Motion. *See* E.D. Mo. L.R. 4.01(B). The Court then entered an Order requiring Plaintiff to show cause, in writing, why the Court should not dismiss this action for her failure to prosecute it. *See* Fed. R. Civ. P. 41(b); Doc. [7]. Plaintiff did not do so. Rather, she filed a document she entitled “Declaratory Judgment Petition,” Doc. [8], which the Court construes as an Amended Complaint. The Federal Rules of Civil Procedure did not permit Plaintiff to file an amended complaint as a matter of course. *See* Fed. R. Civ. P. 15(a). Therefore, Plaintiff’s original pleading continues to be the operative complaint. *See* Doc. [3]. It remains subject to the Motion to Dismiss that Plaintiff has failed to oppose, and now Plaintiff has failed to comply with the Court’s Order requiring her to show cause why the Court should not dismiss her action for her failure to prosecute it.

Accordingly, the Court will dismiss this action. *See* Fed. R. Civ. P. 41(b). Because the Court has the discretion to dismiss this action without prejudice for Plaintiff's failure to comply with the Court's Order, the Court concludes that an appeal from this dismissal would not be taken in good faith. *See Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) ("A district court has the power to dismiss a litigant's cause of action when the litigant fails to comply with the court's orders.").

An Order of Dismissal will accompany this Memorandum Opinion.

Dated this 14th day of August 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE